



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

This is an application filed by the Tenant for a monetary order for money owed or compensation for damage or loss and the recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have confirmed receipt of the notice of hearing package and the submitted documentary evidence of the other party, I am satisfied that both parties have been properly served.

Issue(s) to be Decided

Is the Tenant entitled to a monetary order?

Background and Evidence

Both parties agreed that the monthly rent was \$550.00. The Tenancy ended on April 1, 2013.

The Tenant states that the Landlord served her with a 2 month notice to end tenancy issued for Landlord's use dated January 31, 2013 with an effective date of April 1, 2013. The listed reason is "The rental unit will be occupied by the landlord or the landlord's spouse or a close family member (father, mother, or child) of the landlord or the landlord's spouse." The Tenant states that after moving out, she found out within 2 weeks a couple known to the Tenant moved into the rental unit. The Landlord confirms this in her both her documentary and direct evidence and states that the sale of her mother's trailer was not completed. The Landlord confirmed in her direct testimony that she re-rented the unit on May 1, 2013 on a month to month basis and that her mother is no longer moving into the rental unit.

Analysis

I accept the undisputed testimony of both parties and find that the Tenant has established a claim for compensation for \$1,100.00. Section 51(2) of the Residential Tenancy Act states that if the Landlord does not take steps to accomplish the stated purpose of the notice must pay the Tenant an amount equal to double the monthly rent. The Landlord has confirmed in her direct testimony that the current tenants reside on a month to month basis and that there are no plans to have her mother occupy the rental unit. The Tenant is also entitled to recover of the \$50.00 filing fee. The Tenant is granted a monetary order for \$1,150.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Tenant is granted a monetary order for \$1,150.00.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: August 02, 2013

Residential Tenancy Branch

